

REMARKS/ARGUMENTS

The Applicant thanks the examiner for his report.

The following notable claim amendments have been made:

First claim set

- Claim 1 has been amended to remove reference to the ketone in order to focus on the cyclic ether requirement.
- Claim 37 has been amended to clarify that the cyclic ether comprises tetrahydrofuran. Support for this amendment is found in claim 13 and paragraph 12 (see the table) of the specification as published.
- Claim 45 has been added to further clarify that the tetrahydrofuran is present in the amount of between 5% and 50% by weight of the mutual solvent system. Support for this amendment can be found in paragraph 8 of the published specification.
- A number of other minor amendments have been made that are discussed further below.

Second claim set

- Claim 14 has been amended to claim a cyclic ether that is water and oil soluble, in place of tetrahydrofuran. Support for this amendment is found in claims 1 and 11, and paragraphs 7, and 8 of the specification as published.
- New claim 46 has been added to specify that the cyclic ether comprises tetrahydrofuran. Support for this amendment is found in claim 13 and paragraph 12 (see the table) of the specification as published.
- New claim 47 has been added to clarify that the tetrahydrofuran is present in the amount of between 5% and 50% by weight of the mutual solvent system. Support for this amendment can be found in paragraph 8 of the published specification.
- A number of other minor amendments have been made that are discussed further below.

Specification amendments

A minor spelling error has been fixed in paragraph 11 of the published application.

Claims 37, 39, and 42 are rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

Claim 37 has been amended to clarify that the cyclic ether comprises tetrahydrofuran and to remove reference to the solvent. Thus, this rejection is moot with respect to claim 37.

Regarding claim 39, support for claim 39 can be found in the in paragraph 11 of the published specification, as the Applicant previously indicated to the examiner in Applicant's last response. This claim complies with the 35 USC 112 requirements.

Claim 42 has been cancelled. Thus, this rejection is moot with respect to claim 42.

Claims 1, 10, and 30-44 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses this rejection.

Regarding claim 1, the removal of reference to the ketone renders this rejection moot with respect to claim 1.

Regarding claims 1, 30-32, 37, 39-41, and 43, reference to the solvent has been removed as per the examiner's request.

Claim 44 has been canceled, and thus this rejection is moot with respect to claim 44.

Thus, Applicant submits that the claims comply with the 35 USC 112 requirements.

Claim 44 is rejected under 35 USC 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process. Claim 44 has been canceled and thus this rejection is moot.

Claims 1, 10, 30-41 and 43 have been rejected under 35 USC 103(a) as being unpatentable over Watkins. Applicants respectfully traverse this rejection.

As indicated above, Applicant has amended all independent claims to require a cyclic ether that is water and oil soluble, and to ensure that reference to a ketone requirement has been removed. Further claims clarify that the cyclic ether may be tetrahydrofuran, and provide some ranges of concentration. Cyclic ethers, tetrahydrofuran being one particularly suitable example, have been found to result in an effective system when combined as part of the Applicant's claimed combinations.

Watkins does not disclose or suggest such a combination, nor does Watkins disclose or suggest the advantages of such a combination, and thus the Applicant's claims are patentable over Watkins.

Applicant has made these amendments to facilitate prosecution, and Applicant does not concede that the examiner is correct in his rejection. Regardless, Applicant reserves the right to pursue the subject matter of the rejected claims in a continuation application.

Reconsideration and withdrawal of the rejections, and allowance of the claims, is respectfully requested.

February 5, 2010,

Respectfully submitted,

A handwritten signature in black ink that reads "Tony Lambert". The signature is written in a cursive, flowing style. It is positioned above a horizontal line that serves as a separator from the typed name below.

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